



# CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

## CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, OCTOBER 7, 1998

Morgan Hill Civic Center  
Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

Mayor  
Mayor Pro Tempore  
Council Member  
Council Member  
Council Member

Dennis Kennedy  
Cynthia J. Cook  
Hedy L. Chang  
J. Robert Foster  
Bev E. Freeman

7:00 P.M.

**CALL TO ORDER**

( Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**

Michelle Erlichman

*Police Support Services Specialist II Trainee*

**CITY COUNCIL REPORT**

Council Member Foster

*Update on High School Design*

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:** The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **AUGUST FINANCE AND INVESTMENT REPORT**  
**Recommended Action:** Accept and File Report.
2. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSC) QUARTERLY REPORT NO. 3**  
**Recommended Action:** Accept the Report by Minute Action.
3. **INFORMATIONAL REPORT ON RECENT SUBMITTAL OF GRANT APPLICATIONS**  
**Recommended Action:** Informational item only.
4. **AWARD OF CONTRACT FOR CONSTRUCTION OF STREET REPAIRS -- 1998**  
**Recommended Action:** Award contract to A&L Asphalt Engineering Company for the construction of Street Repairs -- 1998 in the amount of \$98,000.00

**LEGALLY NOTICED PUBLIC HEARINGS:**

5. **DEVELOPMENT AGREEMENT AMENDMENT APPLICATION: DAA 92-05: SUNNYSIDE-MODE CONSTRUCTION (BETPOLICE)**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance recommended by the Planning Commission (Ordinance A) by title only.  
*Should the Council wish to approve the amendment requested by the applicant,*  
Action- Motion to waive the reading in full of the ordinance;  
Action - Motion to introduce Ordinance B (in lieu of Ordinance A) by title only.
6. **ZONING AMENDMENT APPLICATION ZA-98-09 AND DEVELOPMENT AGREEMENT APPLICATION DA-98-07: BARRETT - HOGG**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the residential planned development (RPD) Ordinance;  
Motion to introduce RPD ordinance by title only.  
Action- Motion to waive the reading in full of the development agreement (DA) Ordinance;  
Motion to introduce DA ordinance by title only.
7. **HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES - 410 SAN PEDRO AVENUE**  
**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to grant exemption to the requirement to underground utilities with payment in lieu of the proposed development at 410 San Pedro Avenue.

**OTHER BUSINESS:**

**8. REPORT ON CITY COUNCIL - REDEVELOPMENT AGENCY GOALS & OBJECTIVES**

**Recommended Action:** 1) Receive presentation from the City Manager and 2) Accept the report.

**9. COUNCIL DISCRETION REGARDING RELEASE OF AN OPINION LETTER FROM AGENCY COUNSEL DISCUSSING THE ABILITY OF THE CITY COUNCIL TO ALLOW THE USE OF REDEVELOPMENT 20% HOUSING SET ASIDE FUNDS OUTSIDE OF THE OJO DE AGUA REDEVELOPMENT PROJECT AREA UPON MAKING FINDINGS OF BENEFIT TO THE PROJECT AREA; AND REQUEST TO MAKE FINDINGS OF BENEFIT FOR THE USE OF REDEVELOPMENT 20% HOUSING SET ASIDE FUNDS OUTSIDE OF THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT**

**Recommended Action:** 1) Council discretion and 2) Adopt a Resolution making findings of benefit for the use of Agency 20% Housing Set Aside funds outside of the Project area.

**10. AUTHORIZATION FOR THE CITY CORPORATION YARD COMMISSIONERS TO DISCUSS OPTIONS FOR THE CORPORATION YARD JOINT POWERS AGREEMENT AND LEASE AGREEMENT AFTER JANUARY 2000**

**Recommended Action:** 1) Authorize City Corporation Yard Commissioners to discuss with the Corporation Yard Commission options for delivery of Corporation Yard services to the City and School District and 2) Direct the City Manager to develop, with the assistance of appropriate staff and legal counsel, an analysis with recommendations regarding Corporation Yard options including, but not limited to options 1-5, attached.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #11 through #13 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

**Action --** Adopt Ordinance by roll call vote.

**11. SECOND READING AND ADOPTION OF ORDINANCE NO. 1410, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving Zoning Amendment from MO, Office Industrial to Single Family Medium, R-1-9,000/RPD for the 4.6 acre property located on the east side of Walnut Grove Drive, on the south side of Diana Avenue. (APNs 726-07-021, 023 and 029)

**12. SECOND READING AND ADOPTION OF ORDINANCE NO. 1411 NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill adopting Chapter 8.46 of the Morgan Hill Municipal Code regarding the regulation of shopping carts.

**13. SECOND READING AND ADOPTION OF ORDINANCE NO. 1412 NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving Zoning Amendment, ZA-98-11: Dunne/Condit-Morgan Hill, amending the zoning of approximately 53 acres from a variety of commercial designations to Planned Unit Development (PUD).

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURN:**

**FUTURE COUNCIL AGENDA ITEMS:**

1. Animal Control Ordinance Revisions
2. Solid Waste Services & Rates
3. Award Contract for ADA Park Upgrades
4. Adopt-A-Park
5. Cable TV Franchise Agreement

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #5 through #7 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.